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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,993	05/26/2006	Martin Blum	22313	1243
151 7590 09/24/2008 HOFFMANN-LA ROCHE INC. PATENT LAW DEPARTMENT 340 KINGSLAND STREET NUTLEY, NJ 07110				
EXAMINER NGUYEN, HUY TRAM				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
09/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/580,993

**Applicant(s)**

BLUM ET AL.

**Examiner**

HUY-TRAM NGUYEN

**Art Unit**

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8 and 11 is/are rejected.
- 7) ☒ Claim(s) 3,4,9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim1 is objected to because of the following informalities: misspelling the word "evacuating". Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 7, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by **Barboza et al. (US Patent No. 5,468,397)**

Regarding Claim 1, Barboza et al. reference discloses a reactor comprising a vessel having a bottom (**Figure 4, numerals 300 – multiple cartridge filter housing and 330 - baffle**), a filter arranged in the vessel (**Figure 4, numeral 200**) and a filtrate outlet connected to the filter for evacuating a filtrate out of the filter (**Figure 4, numerals 360 and 380 – filtrate outlet**), and means for delivering a gas into the vessel in a region of the vessel near the bottom of the vessel and beside the filter (**Figure 4, numeral 320**).

The apparatus of Barboza et al. is capable of performing the claimed intended use.

Regarding Claim 2, Barboza et al. reference discloses the reactor according to claim 1, wherein the filter comprises a filter cartridge (**Figure 4, numeral 200**).

Regarding Claim 5, Barboza et al. reference discloses the reactor according to claim 1 wherein the vessel comprises a plurality of filters (**Figure 4, numeral 200 and Column 13, Lines 36**)

Regarding Claim 7, Barboza et al. reference discloses the reactor according to claim 1 wherein the filter comprises a slotted screen filter medium (**Figures 2 and 3a, 3b, and 3c and Column 13, Lines 1-9**)

Regarding Claim 11, Barboza et al. reference discloses the reactor according to claim 1, wherein the filter comprises a filter candle (**Figure 4, numeral 200**).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
7. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barboza et al. (US Patent No. 5,468,397)**

Regarding Claim 6, Barboza et al. reference discloses the reactor according to claim 1 except for the vessel comprising a double casing for temperature regulation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a double casing for the vessel since it was known in the art to use a vessel with a double wall to protect the vessel/product from external conditions (i.e. heat, cold, corrosion).

Regarding Claim 8, Barboza et al. reference discloses the reactor according to claim 1 wherein the vessel comprises an inlet (Figure 4, numeral 410). However, Barboza et al. reference does not disclose that the inlet being connected to the filtrate outlet. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to connect the filtrate inlet with the inlet since it was known in the art to recycle the product back to the reactor to further purify the product.

***Allowable Subject Matter***

8. Claims 3, 4, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Regarding Claim 3, Barboza et al. reference discloses the reactor according to claim 2 except for the vessel the filter cartridge has an intermediate bottom that separates the filter cartridge into a lower chamber and an upper chamber and a one way valve. K.E. Humbert, JR. (US Patent No. 3,184,062) reference discloses a similar filter cartridge. However, the reactor of Barboza et al. cannot be modified to replace the filter cartridge (200) with the filter cartridge of K.E. Humbert, Jr.

Claim 4 is dependent claim of claim 3.

Regarding Claims 9 and 10, Barboza et al. reference discloses the reactor according to claims 1 except for the vessel comprising an exhaust which is connected to the means for delivering the gas such that exhausted gas can return back into the vessel.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY-TRAM NGUYEN whose telephone number is

(571)270-3167. The examiner can normally be reached on MON- THURS: 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HTN  
9/22/08

/Walter D. Griffin/  
Supervisory Patent Examiner, Art Unit 1797